

# ***Memorandum***

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** June 28, 2013  
**Re:** Staff Report for Ted's Service Center dba T&T Service Center – Special Use Permit (Outdoor Sales)

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**Item #3 – Ted's Service Center dba T&T Service Center – Special Use Permit  
(Outdoor Sales) (PID# 201306110023)**

**Application:** Special Use Permit  
**Location:** 4353 Broadway  
**Applicant:** Ted Simon  
**Zoning:** C-2 (Retail Commercial)  
**Use:** Propane Sales

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is requesting a special use permit for outdoor sales in order to dispense propane at 4353 Broadway. The 1,000 gallon tank and filling equipment is proposed to be relocated from its existing location at Suburban Propane (4371 Broadway) to the proposed location, to allow customer tanks to be filled at T&T Service Center. The tank is proposed to be located 13' south of the existing structure, behind a chain link fence. The fence will be an extension of the existing fence on the property – extended approximately seven (7) feet to the southeast, towards Broadway, to allow room to install the tank.

The applicant has indicated that 6" crash posts will be installed around the south and east sides as well as parking blocks on the north and west sides of the tank to protect the structure. The extended fence area for the tank will encroach into existing employee parking spaces on the site; however the applicant has indicated that there is adequate parking elsewhere on the site to compensate for the loss of parking.

Propane will be sold during normal business hours for T&T Service Center – Monday to Friday 8am to 5pm and 9am to noon on Saturday.

## **Code Analysis:**

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

**Standard is Not Met:** Staff does not feel that the proposed location for the outdoor sale of propane on the site is appropriate, given its visibility from Broadway. The current location of the tank, on Suburban Propane's property, is approximately 150 feet back from the Broadway right-of-way, while the proposed new location at T&T Service Center is approximately 50 feet from the Broadway right-of-way. Furthermore, the existing location is partially screened by Suburban Propane's primary structure along Broadway, while the proposed location on T&T Service Center's property is roughly adjacent to their primary structure.

Staff does not feel that the proposed location of the tank, with high visibility from Broadway is in harmony with the intended character of the district. The applicant has indicated that fencing around the tank is not permitted under the LP-Gas Code; therefore staff believes the tank should be relocated further back on the lot to provide visual separation, similar to the tank's current location at Suburban Propane.

2. *The proposed use shall not adversely affect the use of adjacent property;*

**Standard is Met:** The proposed outdoor sales will not affect the use of adjacent property. All outdoor sales will be conducted on the site, which staff believes has adequate circulation to handle traffic generated by the proposed propane sales

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

**Standard is Met:** Materials indicate that the proposed propane tank will meet standards of the Ohio Fire Code and the National Fire Protection Association's LP Gas Code. However, staff does not feel that the safety requirements outlined in these Codes, particularly those prohibiting the use of screening around tanks, creates an environment appropriate at the proposed location. Staff believes a more appropriate location for the tank is near the rear of the primary structure on the site.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

**Standard is Met:** The proposed outdoor sales area will not place any further demand on public services. The Jackson Township Fire Department has indicated that the proposed propane tank will be installed according to the Ohio Fire Code and National Fire Protection Association's LP Gas Code.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

**Standard is Met:** The proposed outdoor sales will not impact the right-of-way. The tank and filling equipment will be located entirely on the site, approximately 50 feet from the right-of-way.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

**Standard is Not Met:** Staff does not feel that the location of the proposed tank is in accord with objectives of the Zoning Code. Section 1135.12(m) states that development shall enhance the attractiveness of the district and encourage orderly and harmonious development in the district. Staff

does not feel that the proposed tank, with no screening, is appropriate at the proposed location, and recommends it either be screened to be more aesthetically pleasing from the Broadway right-of-way, or be located further back on the lot.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

**Standard is Not Met:** The proposed propane tank does not meeting screening requirements for service structures in chapter 1136.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

**Standard is Met:** The site is located in the C-2 district, in which outdoor sales, storage, and display of items is permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

**Standard is Met:** The applicant properly submitted a completed application.

10. *Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet of any road right-of-way. Such activities shall not occupy any required parking area or driveway.*

**Standard is Met:** The proposed outdoor sales / storage area is more than 300 feet from the nearest residential district, to the east across Broadway, and approximately 50 feet from the Broadway right-of-way. Although three parking spaces will be eliminated for the installation of the proposed propane tank, the applicant has indicated that there is adequate parking elsewhere on the site to meet parking demands.

11. *Any outdoor sales, storage, or display area located closer than one hundred feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan.*

**Standard is Met:** The proposed outdoor sales area is not within 100 feet of a residential district. The nearest residential district is approximately 300 feet to the east across Broadway.

12. *Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas.*

**Standard can be Met:** The applicant has not indicated that additional lighting will be installed for the area; however the nearest residential area is more than 300 feet away across Broadway.

13. *Outdoor display areas shall be maintained in a neat and orderly fashion*

**Standard can be Met:** The applicant has not indicated how the outdoor sales area will be maintained.

14. *Signage for outdoor sales or displays shall comply with Chapter 1145*

**Standard can be Met:** The applicant has not indicated that any additional signage is proposed for the propane area.

15. *The site plan submitted with an application for a Special Use Permit shall indicate the types of merchandise to be displayed and, if applicable, any seasonal changes of display.*

**Standard is Met:** Propane sales are the only outdoor sales proposed and will be located as indicated on the submitted site plan.

**Recommendation(s):**

After review and consideration, the Development Department recommends Planning Commission make a recommendation of disapproval to City Council for the Special Use Permit as submitted.